



**Legal Professionalism Committee Meeting Minutes
April 5, 2016, 10:30 am, Raleigh, NC**

Commissioners attending: Catharine Arrowood, Chair
Luke Bierman
Drew Erteschik
Judge Robby Hassell
Mark Merritt
Rick Minor
Justice Bob Orr
Matt Sawchak
Lisa Sheppard

Commission staff attending: Will Robinson
Jon Williams
Emily Portner

Issues discussed:

1. Approval of minutes

The committee unanimously approved draft minutes of its March 1 meeting.

2. Referral of certain topics to other committees and organizations

Before the meeting, Ms. Arrowood and Mr. Sawchak circulated a memo (copy attached) that consolidated the proposals from all three subcommittees of this committee. The memo lays out six possible areas of inquiry, numbered 1 to 6. These minutes refer to these topics mostly by number.

With the help of Mr. Robinson and Ms. Portner, the committee discussed which of the six topics overlap with the work of other NCCALJ committees. We concluded the following:

- Topics 1, 2, and 3 are unique to this committee.
- The part of Topic 4 that discusses encouraging lawyers to offer services by remote means, including Skype and similar methods, should be considered as part of Topic 3 (active efforts to improve the match between supply and demand).
- The discussion of legal education that is currently part of Topic 6 will become part of Topic 2.
- We plan to refer the remainder of Topic 4 (technological improvements) to the Technology Committee, so that they can fold these ideas into their technology planning and give us feedback on the ideas.
- We plan to refer Topic 5 (better using existing resources to help the public get access to law-related information) and Topic 6 (education on law-related matters) to the NCCALJ Public Trust and Confidence Committee, as well as the separate North Carolina Equal Access to Justice Commission.

3. Discussion of Topic 1: What kinds of structural, regulatory reforms could help North Carolina deal with the rapid changes and growing innovation in how legal services are delivered?

The committee discussed the reports from subcommittee 2. The committee identified two potential issues for study, related to the regulation of legal and law-related services:

- A. What branch of government (or specific government body) should have the authority to define the practice of law and related matters?
- B. Who should oversee the functions of the North Carolina State Bar, and how should that oversight be organized?

After discussion, the committee asked subcommittee 2 to analyze the pros and cons of the existing structures on these matters. Dean Bierman agreed to help subcommittee 2 with the analysis and to enlist help from Elon Law students as needed.

4. Discussion of Topic 2: What are the impediments to: (a) pursuing a career in legal and law-related services; (b) providing services to those whose needs are not currently being met; and (c) persons who need legal or law-related services obtaining service from persons who have the ability to deliver the needed

services? How can those impediments be lessened? Do we need a change in educational approaches to lessen those impediments?

After discussion, the committee formed a consensus to consider recommending that another appropriate body study these issues systemically. The committee asked subcommittee 3 to brainstorm other bodies that might be the appropriate referee for these issues. Luke Bierman and Lisa Sheppard agreed to facilitate the discussion.

5. Discussion of Topic 3: What direct methods could North Carolina use to improve the interaction of supply and demand for law-related services?

The committee discussed possible initiatives in this area, including liberalization in the ownership structures for law firms and the possibility of multi-level licensure for lawyers and others who provide law-related services.

In the end, the committee agreed that the committee should explore the degree to which the North Carolina Equal Access to Justice Commission is exploring these same issues. The committee will discuss this topic further at its next meeting.

6. Future speakers

In May, the committee hopes to hear from Reid Phillips, counsel for Capital Associated Industries, and Jennifer Lechner, the executive director for the North Carolina Equal Access to Justice Commission.

7. Adjournment

The meeting was adjourned by consensus at about 2 pm.

/s/ Matthew W. Sawchak
Reporter